

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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MARISOL JAVIER, as the Mother and Natural Guardian  
of A [REDACTED] J [REDACTED], an infant under the age of fourteen  
(14) years, and MARISOL JAVIER, Individually

**Index No.: 25643/2015**

Plaintiffs,

**AFFIDAVIT IN SUPPORT OF  
MOTION**

-against-

HYDE LEADERSHIP CHARTER SCHOOL, PETER  
ANDERSON, JANE DOE TEACHER and NEW YORK  
CITY DEPARTMENT OF EDUCATION,

Defendants.

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**Joseph A. Maria, Esq.**, an attorney duly admitted to practice law Before the Courts of the State of New York, affirms the following under penalties of perjury:

I am a member of the firm of **JOSEPH A. MARIA, P.C.**, attorneys for Marisol Javier, as the mother and natural guardian of A [REDACTED] J [REDACTED] an infant under the age of fourteen (14) years, and Marisol Javier, individually in the above captioned action and as such I am fully familiar with the facts and circumstances herein as I handled this case from the inception and I settled the matter with the attorney for the Defendants.

I submit this Affirmation in Support of Plaintiff's Motion for an Infant Compromise order settling this case as the matter has been settled for Fifty-Thousand Dollars (\$50,000.00) and is subject to the approval of this Honorable Court and for such other relief as this Court deems just and proper.

No prior application has been made for the relief sought herein.

PROCEDURAL HISTORY

This matter was commenced on October 13, 2013. Exhibit 1.

Issue was joined by the service of an Answer (Exhibit 2) November 9, 2015 after a long attempt of negotiation to settle .

A Verified Bill of Particular was served on July 1, 2016. See Exhibit 3.

A Verified Supplemental Bill of Particular was served on August 11, 2016. See Exhibit 4.

REASONS TO SETTLE CASE

I refer this court to the Affidavit. Marisol Javier's Affidavit annexed hereto plus Exhibit 5 the report of Dr. Alejandra I. Sacasa. MD. In short, the damages sustained by the infant have been resolved after medical treatment and psychological care.

Depositions were conducted on April 2, 2018 at which time this case was fully analyzed and settlement negotiation were entered into.

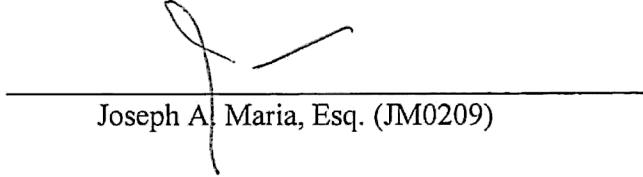
There have been numerous court appearances, conferences with client and contact with medical provider. I believe the settle of this matter is appropriate at this time for the sum of \$50,000.00 due to the issues of liability, the damages and the degree of the damages sustained by the Infant Plaintiff.

Annexed hereto as Exhibit 6 is the Closing Statement. The Court will note I have reduced the disbursement for this client to the sum of One Thousand Dollars (\$1,000.00) annexed as Exhibit 7 is the proposed Infant Compromise Order.

Annexed as Exhibit 8 is a copy of the General Realease and Stipulation of Discontinuance if this Court approves the settlement.

WHEREFORE, it is respectfully requested that this Honorable Court approve the settlement of this case in the sum of \$50,000.00 and approve disbursement of \$1,000.00 and a legal fee of \$16,333.33.

Dated: White Plains, New York  
December 31, 2019

  
Joseph A. Maria, Esq. (JM0209)